HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.20425 of 2006

Date : 24-11-2006

Between:

Degala Venkata Rao .. Petitioner

And

The Kanchustambam Palem Gram Panchayat,
rep.by its Secretary,
Elamanchili Mandal,
West Godavari District. ..
Respondent

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.20425 of 2006

ORDER:

1. This Court ordered notice before admission on 28-9-2006 and granted an order of status quo for a limited period and the same was extended twice to a further limited period.

2. The Writ Petition is filed for a writ of mandamus or any other appropriate writ, order or direction declaring the action of the respondents Gram Panchayat in taking steps to dispossess the petitioner from the land to an extent of Ac.0-20 cents in S.No.23 of Kanchustambampalem village, Elamanchil Mandal, West Godavari District and house bearing D.No.1-42, situate in the said land without any manner of right when his application for grant of patta is pending for consideration as illegal, arbitrary and unjust and issue consequential direction to the respondent not to dispossess the petitioner from the said land and to pass

such other suitable orders.

3. It is stated that the petitioner is a landless poor person and he occupied vacant poramboke land to an extent of Ac.0-20 cents in R.S.No.23 of Kanchustambampalem village, Elamanchili Mandal, West Godavari District about 40 years ago and had raised a thatched house therein and the Gram Panchayat had recognized the encroachment and allotted house number as Door No.1-142 and the petitioner had been residing in the said land by raising creepers and other vegetable plants and eking his livelihood. It is also stated that the Panchayat has been collecting house tax and the petitioner has been paying the same regularly. Further it is stated that the Secretary of the respondent Gram Panchayat issued a certificate on 9-5-2006 certifying that the petitioner is in possession and enjoyment of the said property and the petitioner had paid house tax from 1987-88 to 1991-92 and the same is exempted from payment of house tax from 1992-93 onwards. Several factual details also are narrated.

4. In the facts and circumstances, this Court is of the considered opinion that the Writ Petition be disposed of with a direction to the respondent not to dispossess the petitioner from the subject matter of the Writ Petition unless the due process of law is followed.

5. The Writ Petition is accordingly disposed of. No costs.

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Justice

P.S.Narayana

Date : 24-11-2006

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